

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN THE MATTER OF:	:	Case No. 12-53462
	:	
Blaine Alan James, Jr. and	:	Chapter 7
Robin Lynn James	:	
Debtors.	:	Judge C. Kathryn Preston

OBJECTION TO PROOF OF CLAIM NO.15
FILED BY CAPITAL ONE NA

David M. Whittaker, Trustee (“the Trustee”), objects to the following proof of claim pursuant to the provisions of 11 U.S.C. § 502, Federal Rule of Bankruptcy Procedure 3007, and Local Bankruptcy Rule 3007-1.

1. THE PROOF OF CLAIM

Claim No.	15
Claimant:	Capital One NA c/o Bass & Associates PC 3936 E. Ft. Lowell Road, Suite #200 Tucson, AZ 85712
Claim Amount	\$2,359.65
Date Filed	October 23, 2012

2. BASIS FOR THE OBJECTION

The Claims Bar Date in this case was August 30, 2012. This claim was not filed until October 23, 2012, so it was not timely filed. As a result, this claim should be classified as a tardily filed claim pursuant to 11 U.S.C. § 726(a)(3).

3. REQUESTED RELIEF:

The Trustee requests that the Court enter an Order sustaining the Trustee's objection to this claim. The Trustee further requests that the Court order that this claim will be allowed as

tardily filed pursuant to 11 U.S.C. § 726(a)(3) and that this claim will not participate in any distribution made by the Trustee to unsecured creditors pursuant to 11 U.S.C. § 726 until all timely filed claims allowed pursuant to 11 U.S.C. § 726(a)(2) have been fully paid.

Respectfully submitted,

/s/ David M. Whittaker

David M. Whittaker, Esq. (0019307)

Bricker & Eckler LLP

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Attorney for David M. Whittaker, Trustee

NOTICE OF OBJECTION TO CLAIM

David M. Whittaker, Trustee has filed an objection to Claim No. 15 in this bankruptcy case. **This claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.**

If you do not want the Court to eliminate or change your claim, then within **thirty days** from the date of the service of this Objection, you or lawyer must:

File with the Court a written response to the objection, explaining your position at: The United States Bankruptcy Court, 170 North High Street, Columbus, Ohio 43215, or you may file your response by using the Court's ECF electronic filing system.

If you mail your response to the Court for filing, you must mail it early enough so that the Court will receive it on or before the date stated above.

You must also mail a copy to or serve a copy by the Court's ECF system on:

David M. Whittaker, Esq.
Bricker & Eckler
100 South Third Street
Columbus, OH 43215
dwhittaker@bricker.com

United States Trustee
170 N. High St., Ste 200
Columbus, OH 43215
ustpreion09.cb.ecf@usdoj.gov

If you, or your attorney, do not take these steps, the Court may decide that you do not oppose the objection to this claim and the Court may enter an Order sustaining the Objection to this claim without further notice or a hearing.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Objection to Claim No. 15, and Notice of Objection was served upon the parties listed below in manner indicated on December 17, 2013.

/s/ David M. Whittaker

David M. Whittaker, Esq.

Attorney for David M. Whittaker, Trustee

The following parties were served via ECF electronic service only to the address registered with the Court.

US Trustee

Pamela N. Maggied, Esq.

The following party was served via ECF electronic service at the e-mail address registered with the Court and by U.S. Mail at the address indicated:

Adam Jay Baker, Esq.
8 North Court Street, Suite 212
Athens, OH 45701

The following parties were served by U.S. Mail at the address indicated:

Blaine Alan James, Jr.
11925 Harmony Road
Athens, OH 45701

Capital One NA
c/o Bass & Associates PC
3936 E. Ft. Lowell Road, Suite #200
Tucson, AZ 85712

Robin Lynn James
11925 Harmony Road
Athens, OH 45701

Courtney Ryan
Administrative Assistant
Bass & Associates PC
3936 E. Ft. Lowell Road, Suite #200
Tucson, AZ 85712